THE HON'BLE SRI JUSTICE R.SUBHASH REDDY

WRIT PETITION No. 17483 of 1998

DATED: 06.06.2007

Between:

Seetharam and another.

.. Petitioners.

And

The Revenue Divisional Officer,
Nirmal, Adilabad District.

.. Respondent.

THE HON'BLE SRI JUSTICE R.SUBHASH REDDY

WRIT PETITION No.17483 of 1998

ORDER:

In this writ petition, the petitioners seek direction, by way of a Writ of Mandamus, to the respondent to dispose of the application filed by them for the purpose of grant of occupancy rights as per the provisions of the A.P. (Telangana Area) Abolition of Inams Act, 1955, (for short 'the Act') and rules made thereunder.

In the affidavit filed in support of the petition, the petitioners stated that they are in possession of the lands to an extent of 0.21 guntas in Sy.No.321/2, 0.39 guntas in Sy.No.216, Acs. 5.37 guntas in Sy.No.217 and Ac.1.06 guntas in Sy.No.328 of Bainsa Village and Mandal, Adilabad District. It is stated that the said lands are Madat Mashi Inam lands and they are in possession of the said lands since 1971 as tenants. In view of the abolition of Inams, they are entitled to occupancy rights, and as such, they submitted their representation to the respondent in the month of November, 1997 for grant of occupancy Rights certificates. But, however, the respondent is not enquiring into the said application submitted by the petitioners, as per the provisions of the Act and the rules made thereunder.

The respondent herein filed the counter affidavit. In the counter affidavit, it is stated that the said lands are Balwatha Inam lands held in the name of Gangi Vithia Pardevar. While denying the possession of

the petitioners as pleaded by them, it is stated that the above said lands are in occupation of third parties, wherein tin sheds and house structures have come up. While denying the claim of the petitioners, as tenants, over the lands in question, the respondent stated that as the petitioners did not produce any documentary evidence with regard to the possession as pleaded by them, their application could not be considered.

Even according to the petitioners, the lands in question are Inam lands originally held by Inamdar. Though it is stated in the counter affidavit that the said lands are in occupation of third parties, who have raised house structures, but, however, neither the Inamdar, nor the persons in occupation are made parties in the writ petition.

Having regard to the facts and circumstances of the case, if any direction is given in this writ petition, it will affect the rights of the parties, who are in actual physical possession of the lands in question. In that view of the matter, inasmuch as the Inamdar and third parties, who are in possession of the lands, are not made parties in the writ petition, no direction can be given as sought for. Leaving it open to the petitioners to make application by impleading the necessary parties, as per the provisions of the Act and the rules made thereunder, this writ petition is disposed of. No order as to costs.

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(R.SUBHASH REDDY,J)

Dt.06.06.2007

v v

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